

1 JEFFER, MANGELS, BUTLER & MARMARO LLP
R. SCOTT BRINK sbrink@jmbm.com (Bar No. 138644)
2 REBECCA L. TORREY rtorrey@jmbm.com (Bar No. 153866)
GENEVIEVE C. NADEAU gnadeau@jmbm.com (Bar No. 222398)
3 1900 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-4308
4 Telephone: (310) 203-8080
Facsimile: (310) 203-0567
5

6 Attorneys for Defendant VOLKSWAGEN OF
AMERICA, INC.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 SUSAN KIELY KRAUSS, an individual

12 Plaintiff,

13 vs.

14 VOLKSWAGEN OF AMERICA, INC., a
Delaware Corporation,

15 Defendant.
16
17

CASE NO. C04-02989 PJH

**STIPULATION AND [~~PROPOSED~~] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE**

1 Plaintiff Susan Kiely Krauss ("Plaintiff") and defendant Volkswagen of America,
 2 Inc. ("Defendant"), through their respective counsel, hereby stipulate to continue the Case
 3 Management Conference, currently scheduled for July 14, 2005, as follows:

4
 5 **STIPULATION**

6 1. The parties have diligently attempted to complete the pre-mediation discovery and to
 7 schedule the mediation for completion prior to the July 14, 2005 Case Management Conference.
 8 Specifically,

9 (a) Plaintiff has served initial discovery requests and Defendant has responded to
 10 Plaintiff's initial discovery requests.

11 (b) The parties have agreed to a mediator. The parties have a mediation
 12 scheduled to take place before the Honorable Rebecca Westerfield (Ret.) of JAMS on
 13 August 3, 2005.

14 (c) By agreement of the parties, Defendant will be taking the deposition of the
 15 plaintiff on August 2, 2005. Both parties believe that the taking of her deposition will assist in their
 16 assessment of the case and the success of the mediation.

17 3. The parties believe that there is an excellent chance that this case can be settled
 18 through mediation, and wish to pursue mediation in earnest before embarking on full discovery in
 19 this case.

20 4. There are presently no dates set for a discovery cut-off date or for trial in this case.


21 5. Good cause exists for the requested continuation because the parties need additional
 22 time to take the plaintiff's deposition and participate in mediation. It will further conserve judicial
 23 resources by continuing the Case Management Conference until after the mediation.

1 6. Accordingly, the parties agree, subject to the respectfully requested approval of the
2 Court, that the Case Management Conference shall be continued from July 14, 2005 to September 1,
3 2005, or as soon thereafter as is convenient for the Court.

4
5 IT IS SO STIPULATED.

6 DATED: June 27, 2005

JEFFER, MANGELS, BUTLER & MAI MARO LLP
R. SCOTT BRINK
REBECCA L. TORREY
GENEVIEVE C. NADEAU

7
8
9 BY: 
10 REBECCA L. TORREY
11 ATTORNEYS FOR DEFENDANT VOLKSWAGEN
OF AMERICA, INC.

12
13 DATED: June __, 2005

O'KEEFE & O'KEEFE
GARET D. O'KEEFE

14
15
16 BY: _____
17 GARET D. O'KEEFE
18 ATTORNEYS FOR PLAINTIFF SUSAN J. KIELY
19 KRAUSS
20
21
22
23
24
25
26
27
28

1 6. Accordingly, the parties agree, subject to the respectfully requested approval of the
2 Court, that the Case Management Conference shall be continued from July 14, 2005 to September 1,
3 2005, or as soon thereafter as is convenient for the Court.
4

5 IT IS SO STIPULATED.

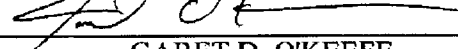
6 DATED: June __, 2005

JEFFER, MANGELS, BUTLER & MARMARO LLP
R. SCOTT BRINK
REBECCA L. TORREY
GENEVIEVE C. NADEAU

9
10 BY: _____
REBECCA L. TORREY
11 ATTORNEYS FOR DEFENDANT VOLKS WAGEN
OF AMERICA, INC.
12

13 DATED: June 27, 2005

O'KEEFE & O'KEEFE
GARET D. O'KEEFE

14
15
16 BY:  _____
GARET D. O'KEEFE
17 ATTORNEYS FOR PLAINTIFF SUSAN KIELY
KRAUSS
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Good cause having been shown by the foregoing Stipulation of the parties,
IT IS HEREBY ORDERED that the Case Management Conference be continued from July 14, 2005
to September 1, 2005.

IT IS SO ORDERED.

6/30/05

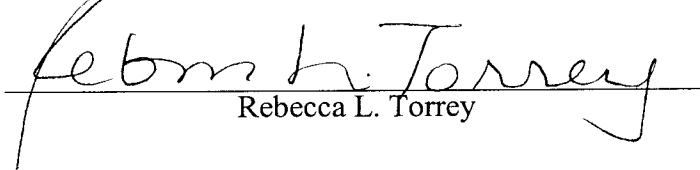
Dated: _____



Honorable Phyllis J. Hamilton
UNITED STATES DISTRICT COURT JUDGE

ATTESTATION

I hereby attest that the content of this document is acceptable to all persons required to sign the document, and that I have on file all required holograph signatures for any signatures indicated by a "conformed" signature within this efiled document.


Rebecca L. Torrey

PROOF OF SERVICE**STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES**

I am employed in the City and County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067.

On June 28, 2005 I served the document(s) described as **STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** in this action by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

Garet D. O'Keefe Esq.
O'Keefe & O'Keefe LLP
 1341 Francisco Street
 Berkeley, CA 94702

☒ (BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FAX) At _____, I transmitted, pursuant to Rules 2001 et seq., the above-described document by facsimile machine (which complied with Rule 2003(3)), to the above-listed fax number(s). The transmission originated from facsimile phone number (310) 203-0567 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

☐ (BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on June 28, 2005 at Los Angeles, California.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


 Tanisha Abrams